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DE RUEHBY #1335/01 3660552
ZNY CCCCC ZZH
O 310552Z DEC 08
FM AMEMBASSY CANBERRA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0769
INFO RUEHGB/AMEMBASSY BAGHDAD IMMEDIATE 0328
RUEHBM/AMEMBASSY BUCHAREST IMMEDIATE 0297
RUEHLO/AMEMBASSY LONDON IMMEDIATE 1958
RUEHSN/AMEMBASSY SAN SALVADOR IMMEDIATE 0227
RUEHTL/AMEMBASSY TALLINN IMMEDIATE 0047
RHHMUNA/CDR USPACOM HONOLULU HI IMMEDIATE
RUEKJCS/JOINT STAFF WASHINGTON DC IMMEDIATE
RHEHNSC/NSC WASHINGTON DC IMMEDIATE
RUEKJCS/SECDEF WASHINGTON DC IMMEDIATE

C O N F I D E N T I A L CANBERRA 001335

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E.O. 12958: DECL: 12/31/2018
TAGS: [MOPS](#) [PREL](#) [MARR](#) [IZ](#) [AS](#)
SUBJECT: AUSTRALIA SIGNS MOU ON EMBEDDED FORCES IN IRAQ

REF: CANBERRA 1322

Classified By: Deputy Chief of Mission: Daniel A. Clune: Reason: 1.4 (c)
) and (d)

¶1. (C) SUMMARY: The Iraqi Ministry of Defense and the Australian government signed an MOU in Baghdad on December 30 that covers activities of Australian military personnel embedded with American troops in Iraq during the period Jan 1, 2009 until July 31, 2009. Full text of the MOU is at para 4 below. END SUMMARY

¶2. (C) December 31, Lloyd Brodrick, Director of the Iraq Section at the Department of Foreign Affairs and Trade, briefed poloff on the MOU, emphasizing that it only covered Australian military units and their administrative and logistical components that were embedded with American units. The ADF security detachment at the Australian Embassy in Baghdad is considered administrative and technical staff under the Vienna Conventions. Australia's C-130 and AP-3C aircraft will continue to operate in the region, but are based outside Iraq. The frigate on oil platform duty has withdrawn to international waters pending its replacement by a U.S. warship.

¶3. (C) Brodrick conveyed GOA thanks to the U.S. for its assistance in the preparation and the finalization of the MOU.

¶4. (C) The text of the MOU follows:

Begin text:

Memorandum of Understanding

This Memorandum of Understanding was signed in Baghdad between His Excellency the Minister of Defence on behalf of the Republic of Iraq and His Excellency the Ambassador of Australia to Iraq on behalf of the Government of Australia today 30 December 2008 ("the two Parties").

In that the Council of Ministers of the Republic of Iraq issued its Resolution number 439 on 16 December 2008 approving a draft law "The withdrawal of the forces of the United Kingdom and Northern Ireland, Australia, Romania, Estonia, El Salvador and NATO from Iraq, and the regulation of their activities during the period of their temporary presence in it" and referring it to the Council of Representatives;

And in that the Council of Representatives of the Republic of

Iraq issued its Resolution Number 50 of 23 December 2008 authorising the Council of Ministers of the Republic of Iraq to take the necessary measures to implement the withdrawal of the forces of the United Kingdom, Australia, Romania, Estonia, El Salvador and NATO completely by no later than 31 July 2009 and also regulate the presence and the conditions and the activities of the aforementioned forces in accordance with the content of the Council of Ministers Resolution 439 of 2008;

And in that the draft law for "The withdrawal of the forces of the United Kingdom and Northern Ireland, Australia, Romania, Estonia, El Salvador and NATO from Iraq, and the regulation of their activities during the period of their temporary presence in it" stipulates in Article 6 that "the tasks and activities of the forces above and their facilities and military installations during the period of their temporary presence in Iraq are to be specified by the Government of Iraq with the agreement of the Governments and parties concerned".

On that basis, and discussions between representatives of the two Parties, agreement has been reached on the following:
Qtwo Parties, agreement has been reached on the following:

¶1. The temporary presence of the forces of Australia, their tasks and their activities and their withdrawal from Iraq shall be regulated in accordance with the content of the Resolution of the Council of Ministers of the Republic of Iraq number 439 of 2008 and its attachment the draft law for the 'withdrawal of the forces of the United Kingdom and Northern Ireland, Australia, Romania, Estonia, Salvador and NATO from Iraq, and the regulation of their activities during the period of their temporary presence in it".

¶2. The tasks and activities of the forces of Australia during the period of their temporary presence in Iraq are defined as follows:

(a) specialist contributions by individual staff officers serving with the forces of the United States; and

(b) administration, supply activities and other activities for the Australian forces which enable or are incidental to the activities in sub-paragraph (a).

¶3. During the period of their temporary presence in Iraq Australian forces will be located within the bases and facilities of the US forces in Iraq.

¶4. In conducting the tasks in Paragraph 2 above, Australian forces are permitted to enter and exit Iraqi territory for the purposes of rotating forces and to bring in and take out their equipment.

¶5. The Australian forces and Iraqi Security Forces shall waive all claims against each other arising out of the conduct of the tasks in Paragraph 2 above, providing that this does not contradict Council of Representatives Resolution 50 of 2008.

¶6. All previous Exchanges of Letters between officials in the Government of Iraq and the Government of Australia which contradict the provisions of this Memorandum are abolished.

¶7. A Joint Committee between the two Parties shall be established which shall be charged with following up implementation of this Memorandum of Understanding and the settlement of any issues which may arise from its implementation.

¶8. This Memorandum of Understanding shall come into effect on 1 January 2009 and Australian forces shall fully withdraw from Iraq by no later than 31 July 2009 in accordance with Council of Representatives Resolution 50 of 2008.

For Australia, HE Robert J Tyson, Ambassador of Australia;
For the Republic of Iraq, HE Abdul Qader Al-Mufriji, Minister

of Defence of the Republic of Iraq.

End text.

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